

REMARKS

Claims 7, 26-31, and 33-36 are pending in the present application. Support for the amendments to claims 7 and 30 are found in claim 32. As such, claim 32 is cancelled herein. Support for the amendments to claims 26 and for new claims 35-36 can be found in the present specification, *inter alia*, in Examples 1-3. Thus, no new matter has been added. Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claim.

Issues under 35 U.S.C. § 103(a)

1) Claims 7 and 26-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schauder et al. '766 (US 5,728,766) in view of Singha et al. (Journal of Applied Polymer Science) and Leube et al. '727 (US 6,403,727) as evidenced by the Declaration filed November 12, 2010.

2) Claims 26-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schauder et al. '766 in view of Singha et al. as evidenced by the Declaration filed November 12, 2010.

Applicants respectfully traverse. Reconsideration and withdrawal of these rejections are respectfully requested.

Legal Standard for Determining Prima Facie Obviousness

MPEP 2141 sets forth the guidelines in determining obviousness. First, the Examiner has to take into account the factual inquiries set forth in *Graham v. John Deere*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), which has provided the controlling framework for an obviousness analysis. The four *Graham* factors are:

- (a) determining the scope and content of the prior art;
- (b) ascertaining the differences between the prior art and the claims in issue;
- (c) resolving the level of ordinary skill in the pertinent art; and
- (d) evaluating any evidence of secondary considerations.

Graham v. John Deere, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966).

Second, the Examiner has to provide some rationale for determining obviousness. MPEP 2143 sets forth some rationales that were established in the recent decision of *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

As the MPEP directs, all claim limitations must be considered in view of the cited prior art in order to establish a *prima facie* case of obviousness. See MPEP 2143.03.

Distinctions over the Cited References

Independent claims 7 and 30 recite the subject matter of claim 32 except for the rhodium complex catalyst. In the outstanding Office Action, the Examiner indicates that this subject matter is allowable. As such, the cited references fail to disclose each and every element of claims 7, 30-31, and 33-34.

Turning to claims 26-29, independent claim 26 recites that “the article has a glass transition temperature of at least -43°C.” The cited references fail to disclose this property. In fact, Singha et al. disclose a glass transition temperature of -56 to -58°C.

To establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be disclosed by the cited references. As discussed above, Schauder et al. ‘766 in view of Singha et al. and Leube et al. ‘727 as evidenced by the Declaration filed November 12, 2010 fail to disclose all of the claim limitations of the pending claims. Accordingly, the combination of references does not render the present invention obvious.

Furthermore, the cited references or the knowledge in the art provide no reason or rationale that would allow one of ordinary skill in the art to arrive at the present invention as claimed. Therefore, a *prima facie* case of obviousness has not been established, and withdrawal of the outstanding rejections is respectfully requested. Any contentions of the USPTO to the contrary must be reconsidered at present.

Allowable Subject Matter

Applicants acknowledge the indication of allowable subject matter of claim 32 with the exception of the rhodium complex catalyst. Applicants have incorporated the allowable subject matter of claim 32 into independent claims 7 and 30. Based on this amendment and for the reasons given above, all pending claims are believed to be directed to allowable subject matter.

Therefore, Applicants respectfully submit that this application is now in condition for allowance. An early reconsideration and Notice of Allowance are respectfully requested.

New Claims 35-36

Claims 35-36 have been added for the Examiner's consideration. As discussed above, the cited references fail to disclose the feature that "the article has a glass transition temperature of at least -43°C" as recited in independent claim 26. Claims 35-36 contain a similar limitation. In addition, claims 35-36 depend from claims 7 and 30, respectively, which Applicants respectfully submit are allowable. For the reasons given above, new claims 35-36 are allowable.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. A complete response has been made to the outstanding Office Action, and as such, the application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink, Registration No. 58,258, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

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